

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JTH TAX LLC.,

Plaintiffs,

-against-

CYBULSKI, et al.,

Defendants.

No. 21-CV-4716 (LAP)

ORDER

LORETTA A. PRESKA, Senior United States District Judge:

Before the Court is defense counsel Mitchell Rutkin's request for a 90-day delay in the December 9 trial in the above entitled matter, (dkt. no. 90), and Plaintiffs' opposition, (dkt. no. 91).

Following prior defense counsel's suspension from practice, Defendant requested a 90-day adjournment of the trial, which was granted on August 15. (Dkt no. 85.) Trial was set for December 9. (Id.)

Mr. Rutkin, new counsel, states that he has "not been able to establish productive communication with the client" (dkt no. 90 at 1), – a matter to be laid at the client's feet. He also states that that he has "had a difficult time accessing and organizing the documents relating to this matter, as [prior counsel] has a very different note and record keeping style than I do," (id.) – a matter one expects a lawyer to be able to overcome.

Given the relative simplicity of the matter and the fact that even a December 9 trial will be some 43 months after the filing of

the complaint, the request for additional adjournment, (dkt. no. 90), is denied.

**SO ORDERED.**

Dated: November 7, 2024  
New York, New York

  
\_\_\_\_\_  
LORETTA A. PRESKA  
Senior United States District Judge